

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**John J. Koresko, V and
PennMont Benefit Services, Inc.,**

Plaintiffs,

v.

**Jeff Bleiweis,
Raymond Ankner,
CJA and Associates, Inc., and
MetLife Insurance Company of Connecticut,**

Defendants.

Civil Action No. 04-cv-769

**DEFENDANT METLIFE'S SUPPLEMENTAL BRIEF
IN SUPPORT OF ITS MOTION FOR RECONSIDERATION AND
ITS OPPOSITION TO PLAINTIFFS' LOCAL CIVIL RULE 41.1(a) APPLICATION**

Late yesterday, a surprising event occurred which provides an additional and decisive reason for this Court to grant Defendant MetLife Insurance Company of Connecticut's ("MetLife's") November 13 motion for reconsideration and to deny Plaintiffs' Local Civil Rule 41.1(a) application.

After 5:00 p.m. yesterday, MetLife received notice through the Court's E.C.F. system that the lawyers from the Woodcock Washburn firm had withdrawn their appearances on behalf of Plaintiffs. *See* Docket ## 138-39. However, the sole reason Plaintiffs gave for "good cause" to avoid dismissal of their case under Local Civil Rule 41.1(a) was that they purportedly had not been "actively represented by counsel in this matter since March 30, 2007, and have only retained the undersigned counsel, Woodcock Washburn, to represent them in this action within the last few days." Docket # 134 (Plaintiffs' application) at 1. Accordingly, Plaintiffs' sole alleged basis for reactivating this case has now evaporated.

The entry of the Woodcock Washburn firm was an insufficient reason for Plaintiffs' failure to prosecute this case in the first place, because it ignored the fact that they had two other law firms already of record in this case, yet they chose not to do anything for the past three-and-one half years. With the Woodcock Washburn firm now out of the case, there is not even a *purported* basis for the continuation of this lawsuit. For that reason, and for the reasons set forth in detail in the brief accompanying MetLife's motion for reconsideration (Docket # 136), this case should be dismissed.

Respectfully submitted,

Dated: November 19, 2008

s/ Robert W. Ashbrook Jr.
Diane Siegel Danoff
Robert W. Ashbrook, Jr.
Dechert LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104-2808
telephone 215.994.4000
facsimile 215.994.2222
*Attorneys for Defendant MetLife Insurance
Company of Connecticut*

CERTIFICATE OF SERVICE

I certify that today that in

Koresko et al. v. Bleiweis et al., E.D. Pa. 04-cv-769

the following documents have been filed electronically and is available for viewing and downloading from the Court's Electronic Case Filing system:

Defendant MetLife's Supplemental Brief in Support of Its Motion for Reconsideration
and Its Opposition to Plaintiffs' Local Civil Rule 41.1(a) Application

and that service on the following parties was accomplished by the electronic service of a Notice of Electronic Case Filing to the following parties, who have consented to electronic service:

CJA & Associates, Inc.,
Raymond G. Ankner, and
Jeffrey I. Bleiweis

c/o Craig R. Tractenberg, Esq.
Nixon Peabody LLP
ctractenberg@nixonpeabody.com

c/o René F. Bergmann, Esq.
Nixon Peabody LLP
rbergmann@nixonpeabody.com

John J. Koresko, V

c/o Michael G. Tractman
Powell, Trachtman, Logan, Carrle &
Lombardo, PC
mtractman@powelltractman.com

Dated: November 19, 2008

s/ Robert W. Ashbrook Jr.

Robert W. Ashbrook, Jr